

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

TIMOTHY V. LONG, et al.,  
Plaintiffs,  
v.  
CITY OF PITTSBURG, et al.,  
Defendants.

Case No. 18-cv-03694-KAW

**ORDER TO SHOW CAUSE**

On June 20, 2018, Plaintiff Timothy V. Long filed the instant case, which appeared to challenge the settlement in Case No. 18-cv-3694-KAW, *Bengard v. City of Pittsburg California*. (See Dkt. No. 1 at 4.) Plaintiff also filed a motion to reopen the *Bengard* case, as well as an application for leave to proceed *in forma pauperis* ("IFP application"). (Dkt. Nos. 2, 4.)

On June 25, 2018, the then-presiding judge denied without prejudice Plaintiff's IFP application, and ordered Plaintiff to file an amended application or to pay the \$400 filing fee by July 9, 2018. (Dkt. No. 5.) On July 1, 2018, the then-presiding judge also terminated Plaintiff's motion to reopen the *Bengard* case in light of the status of the IFP application. (Dkt. No. 6.) The July 1, 2018 order was returned to the court as undeliverable. (Dkt. No. 8.)

Plaintiff did not file the amended IFP application or pay the filing fee. On July 24, 2018, the then-presiding judge issued an order extending the deadline to August 23, 2018, and advised Plaintiff that he could file a motion to reopen the *Bengard* case in the *Bengard* action (which would not require a filing fee). (Dkt. No. 10.) A clerk's notice regarding consent or declination was also issued on July 25, 2018 and August 10, 2018; the August 10, 2018 clerk's notice was later returned as undeliverable. (Dkt. Nos. 11-14.)

Plaintiff again failed to file the amended IFP application or pay the filing fee. On August

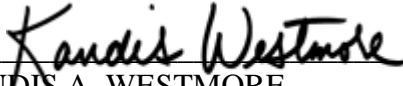
1 30, 2018, the then-presiding judge extended the deadline to September 20, 2018, and warned  
2 Plaintiff that failure to file the amended IFP application or pay the filing fee could result in the  
3 case being closed without prejudice. (Dkt. No. 16.) On September 24, 2018, the instant case was  
4 related to the *Bengard* case, and the case was reassigned to the undersigned.

5 As of the date of this order, Plaintiff has failed to file the amended IFP application or pay  
6 the filing fee. Additionally, three of the Court's orders -- the July 1, 2018 order terminating the  
7 motion to reopen the *Bengard* case, the August 10, 2018 clerk's notice regarding consent or  
8 declination, and the September 25, 2018 order reassigning the case to the undersigned -- were also  
9 returned as undeliverable. The Court notes that it is the duty of "a party proceeding pro se whose  
10 address changes while an action is pending [to] promptly file with the Court and serve upon all  
11 opposing parties a Notice of Change of Address specifying the new address." (Local Rule 3-  
12 11(a).) The Court may dismiss a complaint when mail directed to a pro se party by the Court is  
13 returned to the Court as undeliverable, and "[t]he Court fails to receive within 60 days of this  
14 return a written communication from the . . . pro se party indicating a current address." (Civil  
15 Local Rule 3-11(b).) The July 1, 2018 order was returned to the Court as undeliverable on July  
16 16, 2018 and the August 10, 2018 clerk's notice was returned on August 23, 2018; no updated  
17 address has been received since.

18 Accordingly, the Court ORDERS Plaintiff to show cause, by **November 14, 2018**, by: (1)  
19 filing the amended IFP application or paying the filing fee, (2) providing the Court with Plaintiff's  
20 current address, and (3) explaining why Plaintiff has repeatedly failed to comply with the Court's  
21 orders. Failure to timely respond **will** result in the Court reassigning this case to a district judge  
22 and recommending that the case be dismissed.

23 IT IS SO ORDERED.

24 Dated: October 24, 2018

25   
26 KANDIS A. WESTMORE  
27 United States Magistrate Judge  
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